

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12718, of the Estate of H.K. Willard and Frederick Richmond, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to continue the use of a parking lot in the R-5-B District at the premises 1627-31-33-35 "Q" Street, N.W. (Square 179, Lots 9, 14, 100, 801 and 802).

HEARING DATE: August 16, 1978
DECISION DATE: September 6, 1978

FINDINGS OF FACT:

1. The subject property is located in an R-5-B District at 1627-31-33-35 "Q" Street, N.W. Approximately twenty-five per cent of the existing parking lot is zoned C-2-A and that portion of the lot is not a part of this application.
2. The subject property is currently operating as a parking facility, pursuant to this Board's previous Order No. 11898, dated June 19, 1975.
3. The subject facility is located on the northeastern corner of 17th and Q Streets, N.W. It has 100 feet of street frontage on 17th Street, and 121 feet of street frontage on Q Street.
4. The applicant proposes the continuation of the existing facility.
5. The parking lot has spaces for approximately seventy-nine vehicles. Twenty-two of these spaces are on the C-2-A zoned portion of the property.
6. The applicant testified that there were no immediate plan to develop the subject property.
7. Uncontested testimony states that in addition to serving the 17th Street commercial corridor, the subject parking serves two restaurants located on R Street directly behind the site as well as the former Cairo Hotel, which has been converted into an approximately 200 unit apartment. The apartment has no parking provided.
8. The Municipal Planning Office, by testimony at the public hearing, stated that the lot is kept free of debris and refuse, is operating pursuant to the conditions of this Board's Order No. 11898, and complies with the requirements of Article 74. The Board so finds

9. The Department of Transportation, by report dated August 24, 1978, recommended that the lot be granted for no longer than a four year period to allow for re-evaluation of mass transit of facilities served by this parking lot.

10. The Dupont Circle Citizens Association opposed the hearing of the application at this time, pending the outcome of the association's rezoning proposal of the entire Dupont Circle area before the Zoning Commission. The Association testified that after a study of the feasibility of parking lots in the area is completed, they would support the construction of a parking garage. The Board finds that the applicant is entitled to a hearing based on the Regulations in effect at this time.

11. Advisory Neighborhood Commission 2B, by report dated August 16, 1978, opposed the application because of the lot's size and location in a residential zone.

12. The Board is required by statute to give "great weight" to the issues and concerns of the Advisory Neighborhood Commission. As to those issues and concerns, the Board finds that the fact that the land could be used for residential purposes is not basis for denying this application. The relief requested is a special exception, not a variance, and the applicant is required to show that he meets the requirements of the Zoning Regulations, not that the property cannot be used for an R-5-B purpose. The Board finds that the lot is reasonably necessary and convenient, in that it provides off-street parking for residents of the Cairo Hotel, which has no parking of its own and which is located immediately adjacent to this lot.

13. There is presently pending before the Zoning Commission proposed amendments to the Zoning Map requested by citizen groups in the Dupont Circle area. The rezoning proposals affect large portions of the area, and could possibly cause major changes in the area.

CONCLUSIONS OF LAL AND OPINION:

Upon consideration of the above Findings of Fact and the evidence of record, the Board concludes that the applicant has complied with the conditions set forth in BZA Order No. 11898 as well as the provisions of Article 74 of the Zoning Regulations. The Board concludes that the present character and future development of the neighborhood will not be adversely affected. The subject lot is reasonably necessary and convenient to the 17th Street commercial corridor to the restaurants on R Street, and to the residential uses in the neighborhood which it serves.

The Board concludes that it has given "great weight" to the issues and concerns of the ANC, and that for the reasons stated, concludes that the recommendation of the ANC should not be accepted.

The Board notes that there is pending before the Zoning Commission proposed change in the Zoning Maps affecting large portions of this area. For that reason, the Board concludes that the application should be granted for a limited period of time only, to enable the Board to review the case again in light of whatever changes are made by the Zoning Commission.

It is the opinion of this Board that the continuation of this parking facility is in harmony with the intent and purpose of the Zoning Regulations. Accordingly, it is ORDERED that this application is hereby GRANTED subject to the following CONDITIONS:


- a. Approval shall be for a period of 1 YEAR from the date of expiration of the previous Certificate of Occupancy which may be renewed at the discretion of the Board upon the filing of a proper application.
- b. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- c. An eight inch coping shall be erected and maintained along each side of all driveways to protect the public space.
- d. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- e. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- f. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- g. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.

- h. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 5-0 (Charles R. Norris, William F. McIntosh, Chloethiel Woodard Smith and Leonard L. McCants to GRANT, John G. Parsons to GRANT by PROXY)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER

FINAL DATE OF ORDER: 13 OCT 1978